



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/383,676	02/01/95	HAUPTMANN	R 1512.0010003

M. PAUL BAKER
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1300 I STREET N.W.
WASHINGTON DC 20005-3315

HM22/0527

EXAMINER

DRAPER, G

ART UNIT	PAPER NUMBER
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1646

(Signature)

DATE MAILED: 05/27/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to Amendment, Rejection & CPT Conversion of 3/99
- ☒ The allowed claim(s) is/are 65, 71, 74 - 93, 95 - 125, 94, 126 - 133, Numbered 1-62
- ☐ The drawings filed on _____ are acceptable.

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☒ received in Application No. (Series Code/Serial Number) 07/511430

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____
- ☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Interview Summary, PTO-413
- ☐ Examiner's Amendment/Comment (Informal)
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Errors Listing

Art Unit: 1646

1. The following is an examiner's statement of reasons for allowance:

In view of the interview, and the extensive amendments and arguments, all claims are allowable. Furthermore, the positions set forth in *In re Bell*, *In re Deuel*, and *Eli Lilly* are further reasons for the allowance of these claims over *Wallach et al*, which does not expressly recite the claims protein with the exact amino acid sequences and nucleic acid sequence of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

NOTE/ADVISORY:

a) Applicants are advised that when formal drawing are submitted, they must ensure that if these drawings have various parts and subparts, then the specification (at the Brief Description of the Drawing, and any other places where drawing are referred to in the specification) must be amended to refer to all parts and subpart (see especially figures 1, 6 8 and 9.

b) It is also pointed out the submitted disk contained errors and such errors must be corrected if the Sequence are to be referred to by the Sequence Identifier with the Paper copy. **HOWEVER**, this application has an effective filing date prior to the date (Oct 1990) in which there had to be compliance with the sequence rules. Therefore, applicants have the option of **not** complying with the Sequence Rules, nor make the corrections (copy attached) since this is not a requirement for applicants and none of the claims refer to the sequence by Sequence Identifiers, and all reference to Sequence Identifier and the Paper copy **must be deleted** from the file. Alternatively, if applicant insist on having the Sequence Identifiers, then the corrections and a new Paper copy and compliance with all portions of the Sequence Rules **must be made quickly**.

b) The following amendments were made by the Examiner (Examiner's Informal Amendment to correct for obvious errors or apparent oversights as a result of the extensive amendments: 1) Claim 11 has been canceled. It would appear that applicants intended to cancel this claims, since

Art Unit: 1646

the Amendment dated 11-24-95 canceled all of the previous claims (claims 2-7, 9, 23, 27-62), and applicants response (page 28 and Exhibit A does not list claim 11 as part of the pending claim).

c). The following is a list of the allowed claim: 65, 71, 74-93, 95-125, 94, 126-133-- which have been renumbered 1-62 respectively. It is pointed out that in view of the numerous and extensive amendments of records, (the amendments to claims, addition of claims and deletion of claims), the Examiner has tried to group related claims together relative to the subject matter and relative to the claims from which they depend.

d). Mr. McDonald was apprised of the various changes and the allowance of the claims, and has consented to each of the minor changes.

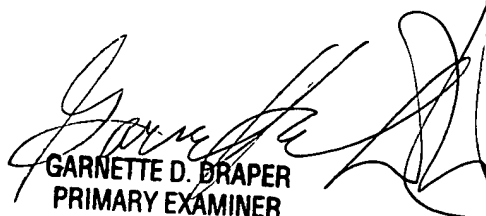
2 **Advisory Information:**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Garnette D. Draper, Art Unit 1646, whose telephone number is (703) 308-4232**. Examiner Draper can normally be reached Monday through Friday, 9:30 A.M. to 6:00 P.M.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at telephone number (703) 308-0196.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1 (CM1). The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. **NO DUPLICATE COPIES SHOULD BE SUBMITTED** so as to avoid the processing of duplicate papers in the Office.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294. **Please** advise the Examiner at the telephone number above when an informal fax is being transmitted.


GARNETTE D. DRAPER
PRIMARY EXAMINER
GROUP 1800



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM22/0527

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/383,676	02/01/95	062	DRAPER, G	1646 05/27/99
First Named Applicant	HAUPTMANN, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION TNF RECEPTORS, TNF BINDING PROTEINS AND DNAS CODING FOR THEM

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	1512.0010003	435-069.100	T70 UTILITY	YES	\$605.00	08/27/99

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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